

**STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION**

STAFF REPORT FOR REGULAR MEETING MAY 16, 2003

Prepared on March 27, 2003

ITEM: 37

SUBJECT: READOPTING THE TOTAL MAXIMUM DAILY LOAD FOR MORRO BAY FOR PATHOGENS, INCLUDING CHORRO AND LOS OSOS CREEKS, AS A BASIN PLAN AMENDMENT

BACKGROUND

The Morro Bay Total Maximum Daily Load (TMDL) for Pathogens, including Chorro and Los Osos Creeks was presented to and adopted by the Regional Water Quality Control Board (Regional Board) on December 13, 2002.

Section 3777 of Title 23 California Code of Regulations requires that the Regional Board consider alternatives when adopting Basin Plan Amendments and to document the alternatives considered in the staff report that proposes the amendments. Staff did not explicitly include documentation of alternatives considered in the staff report, although staff did consider alternatives as part of the process of preparing the recommendations for the amendment. In order to insure proper documentation and presentation of alternatives as part of the decision to adopt this TMDL as a Basin Plan Amendment, staff has prepared alternatives analyses and provided public notice of this additional information.

DISCUSSION

After Regional Board adoption in December 2002, the complete administrative record for the Morro Bay TMDL for Pathogens was sent to the State Water Resources Control Board (State Board). State Board staff reviewed the administrative record in order to notify Regional Board staff of any changes needed before presenting them to the State Board for approval.

State Board staff indicated the need for an explicit alternatives analysis for the TMDL. Regional Board and State Board legal counsel also indicated that this information must be part of the decision to adopt the TMDL as a Basin Plan Amendment and, therefore, the TMDL needs to be re-adopted with this information in the public record.

Staff prepared the alternatives analysis for the Morro Bay TMDL for Pathogens. The analysis is included in Attachment C of the proposed amendment package, as part of the California Environmental Quality Act (CEQA) "Functional Equivalent" Report, placed after the Environmental Checklist.

Additionally, staff proposes some minor typographical and grammatical corrections to the Basin Plan Amendments and another more significant change, as discussed in detail below. All changes are shown in the Resolution and Amendment (Attachment A) with redline and strikeout formatting.

In the original resolution under the implementation section, staff stated that, "If Waste Discharge Requirements by California Polytechnic State University [Cal Poly], the Los Osos Community Services District and San Luis Obispo County are not implemented or initiated, then the Regional Board will rely on enforcement authority." When the TMDL was being drafted, staff was considering establishment of Waste Discharge Requirements for Cal Poly for the entire campus, including their rangeland facilities. However, during the public comment period for the TMDL, Cal Poly requested that they be

removed from the “regulatory” section since other landowners in their watershed with cattle on their property were being placed under the self-determined section of the implementation plan. In response to this comment, staff changed technical support document (Attachment B) and conveyed the change to the Board, but overlooked changing a sentence in the resolution stating Cal Poly was to have Waste Discharge Requirements. Therefore, this language in the resolution was in error and has since been removed. Furthermore, San Luis Obispo County was also mentioned in the original text to be under Waste Discharge Requirements, however this should have stated that San Luis Obispo County will be covered by the Phase II Stormwater NPDES permit and not Waste Discharge Requirements. This sentence has been eliminated.

Except for the above changes made, the technical support documentation for the TMDL and the technical information in the Resolution is exactly the same as was presented to the Board in December 2002.

The technical support documentation for this proposed Basin Plan Amendment is available at the Region Three website at <http://www.swrcb.ca.gov/rwqcb3/tmdl/Participation.htm>. Staff did not include the entire document in the staff report in order to save paper.

RECOMMENDATION

Adopt the Morro Bay TMDL for Pathogens including Chorro and Los Osos Creeks as a Basin Plan Amendment.

ATTACHMENTS:

- A. Resolution and Amendment Language-redline/strikeout version, R3-2002-0117
- B. Technical Support Document- available at the Region Three website <http://www.swrcb.ca.gov/rwqcb3/tmdl/Participation.htm>
- C. CEQA “Functional Equivalent” Report
- D. Notice of Public Hearing/Notice of Filing

E. Department of Fish and Game Fee Exemption

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